

BRENNEKE DECLARATION

EXHIBIT J

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

UGOCHUKWO GOODLUCK NWAUZOR,
et al.,

Plaintiffs,

v.

THE GEO GROUP, INC.,

Defendant.

STATE OF WASHINGTON,

Plaintiff,

v.

THE GEO GROUP, INC.,

Defendant.

) 3:17-cv-05769-RJB

) 3:17-cv-05806-RJB

) Tacoma, Washington

) April 13, 2020

) Phone Conference

) Rulings on Motions

) In Limine

) 10:00 a.m.

VERBATIM REPORT OF PROCEEDINGS
BEFORE THE HONORABLE ROBERT J. BRYAN
UNITED STATES DISTRICT JUDGE

Proceedings stenographically reported and transcribed
With computer-aided technology

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1 prior history of L&I enforcement at the Northwest Detention
2 Center or other institutions. That motion should be granted
3 for the first phase of the trial, but denied if we get to the
4 unjust enrichment argument. And also I think it should be
5 denied regarding statements made by Labor & Industries
6 employees for both phases of the trial. Those statements may
7 be relevant and admissible. Generally, prior history of law
8 enforcement -- of L&I enforcement at this and other similar
9 institutions should be granted.

10 No. 6 is to exclude all evidence of work programs at state
11 and local government facilities. I assume that the
12 governmental immunity defenses will be part of this trial
13 and, if so, that motion must be denied.

14 No. 7 is to exclude all evidence or argument suggesting
15 that the ICE-GEO contract requires that GEO pay only \$1 per
16 day. That motion is granted. That does not necessarily
17 limit testimony as to why GEO pays a dollar a day, but I
18 think it is clear that you cannot argue that the contract
19 requires that they only pay a dollar a day.

20 No. 8 is to exclude any reference to the Northwest Center
21 as the Northwest ICE Processing Center. That motion is
22 denied. That is not something that could be confusing to the
23 jury, and it can be explained to the jury and we can try to
24 use the proper name of the center during the trial.

25 The next motion is No. 9, to exclude all witnesses not

1 previously disclosed. There are five witnesses named as part
2 of that motion. The motion should be denied as to the
3 Labor & Industries employees. That is Buchanan and Johnson.
4 It should be denied as to GEO employees Ragsdale and Evans,
5 provided that if the plaintiff wants to depose them, they
6 should be allowed to do that before trial. As to Williams,
7 the motion is granted.

8 Defense motion is to exclude argument and evidence related
9 to the government-owned facility and residential exemptions
10 to the Minimum Wage Act. This basically -- these issues have
11 been, to some extent, resolved by prior rulings, and those
12 rulings will stand. The motion is otherwise denied, and we
13 will deal with those issues at trial. I guess that's all I
14 want to say about No. 10.

15 Now we will turn to GEO's motions in limine at Docket
16 No. 355. These are GEO's motions in limine in regard to the
17 State's claim.

18 Excuse me. I need to oil my voice with cold coffee.

19 Motions in limine in Docket No. 355, No. 1 is argument
20 that voluntary work program positions should have or could
21 have been filled by non-detainee Washington residents or
22 citizens. That motion is denied.

23 Motion in limine 2 is argument or evidence that the
24 voluntary work program is a forced work situation that should
25 be excluded. That motion should be granted, but the reasons

1 that employees -- that detainees' work is not excluded by
2 this ruling. It is directed at the program, not individuals.

3 Motion in limine No. 3 is for exclusion of evidence
4 related to GEO's legal fees, including any request for
5 compensation for legal fees sent to ICE. That motion is
6 granted. I don't know what kind of a side issue that might
7 be, but it is not something that we need to get into. That
8 motion is granted.

9 Motion in limine No. 4 is to exclude evidence or argument
10 related to GEO's size, profitability, financial status or
11 overall wealth. That motion is granted generally, but may be
12 denied or the issue reopened when we get into the economic
13 reality test evidence in the first phase of the trial. It
14 may be relevant and admissible as to the damage and non-jury
15 phases of the trial. Granting the motion should not exclude
16 evidence that GEO permits detainees to work alongside its
17 regular employees as a core part of its business model, and
18 that GEO enjoys substantial financial benefits and profits as
19 a result. That type of evidence may be relevant, although
20 general evidence or testimony about the -- about GEO's size,
21 profitability, financial status or overall wealth should be
22 excluded.

23 Motion in limine No. 5, exclusion of evidence or argument
24 that GEO is involved in other lawsuits. That motion is
25 granted. I made a note that such evidence should be subject

C E R T I F I C A T E

I certify that the foregoing is a correct transcript from
the record of proceedings in the above-entitled matter.

/s/ Angela Nicolavo

ANGELA NICOLAVO
COURT REPORTER